THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.5314 OF 2006

Dt.18.3.2006

Between:

Baradi Purushotham and another …Petitioners

And

The Special Officer-cum-Competent

Authority, Urban Land Ceilings, Hyderabad

And another …Respondents

ORDER:

Petitioners question the action of respondent No.1 in not passing orders in C.C.No.E1/12090/76 pursuant to the order of respondent No.2 in Appeal Proceedings No.Hyd/24/2003 dt.3.7.2004 as illegal and arbitrary.

It is the case of the petitioners that they are owners of land to an extent of 4045.86 sq.mts., in premises No.8-1-296/A/1 in Sy.No.335

of Shaikpet Village, Golkonda Mandal, Hyderabad, which is classified as agricultural land. It is stated that the said land is classified as agricultural in the Master plan and the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act') are not applicable. It is stated that the said land was purchased by the grand father of the petitioners from the joint family funds. It is stated that the Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad, passed orders in Proceedings No.E1/12090/76 dt.13.2.1987 under Section 8(4) of the Act declaring that the father of the petitioners, Baradi Pandarinath as a surplus holder to an extent of 2883.86 sq.mts., in the said premises No.8-1-296/A/1 situated at Shaikpet village. Against the said order, the petitioners filed an appeal before the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad and the said appeal was disposed of on 3.7.2004 in appeal proceedings No.Hyd/24/2003 remanding the matter to the competent authority for disposal afresh depending upon the outcome of W.P.No.2660 of 2001 which is pending in this Court. It is the case of the petitioners that the said W.P.No.2660 of 2001 filed by the father of the petitioner has been dismissed as withdrawn by order of this Court dated 15.12.2005.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue on behalf of the respondents.

As the appeal filed by the petitioners was remanded by the 2nd respondent, there cannot be any impediment for the 1st respondent to take appropriate action in the said proceedings No.E1/12090/76 and to pass further orders under the Act. Accordingly, as the appeal has already been remanded and if no writ petitions are pending before this Court, the first respondent is directed to pass appropriate orders in proceedings No.E1/12090/76 after giving reasonable opportunity to the petitioners and their father B.Pandarinath in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

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V.ESWARAIAH, J.

18.3.2006

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